

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

COREY D. PRESSGROVE,

Civil No. 10-3765 (JRT/TNL)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

MICHAEL J. ASTRUE,

Defendant.

Edward Olson, **ATTORNEY AT LAW**, 331 Second Avenue South, Suite 420, Minneapolis, MN 55401; Jean Owen, **LAW OFFICE OF JEAN C OWEN**, 5700 Broadmoor, Suite 500, Mission, KS 66202, for plaintiff.

David Fuller, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Tony N. Leung, dated January 30, 2012 [Docket No. 18]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Commissioner's Motion for Summary Judgment [Docket No. 14] is **DENIED**;
2. Plaintiff's Motion for Summary Judgment [Docket No. 12] is **GRANTED IN PART** and **DENIED IN PART**;

3. The decision of the Commissioner is **REVERSED** and this matter is
REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. §
405(g) for proceedings that are consistent with the Report and Recommendation.
LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 23, 2012
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge